

United States District Court  
For The Western District Of  
Virginia

CLERK'S OFFICE U.S. DISTRICT COURT  
AT ROANOKE, VA  
FILED

MAR 18 2024

LAURA WALSTON, CLERK  
BY: [Signature]  
DEPUTY CLERK

Demetrius D. Wallace,  
Plaintiff,

vs.

COMPLAINT

"Jury Trial Demanded"

Civil Action No. 7:24-cv-00194

Hon. Dillon

Director Chadwick S. Dodson, et. al.

In their individual and official capacities,  
Defendant(s),

INTRODUCTION

- (1.) This is a civil rights action filed by Demetrius D. Wallace, a state prisoner, for damages and injunctive relief under 42 U.S.C. § 1983, alleging excessive use of force and denial of medical care in violation of the Eighth Amendment to the United States Constitution and confinement in segregation in violation of the Due Process Clause of the Fourteenth Amendment to the Constitution.
- (2.) The plaintiff, Demetrius D. Wallace, also alleges the torts of assault, battery, and negligence.



## JURISDICTION

- (3.) This is a civil action authorized by 42 U.S.C. Section "1983" to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States.
- (4.) This cause of action arises under the United States Constitution, enforceable pursuant to 42 U.S.C. §1983.
- (5.) The court has jurisdiction under 28 U.S.C. Section 1331 and 1343(a)(3).
- (6.) Plaintiff, Demetrius D. Wallace, claim for injunctive relief are authorized by 28 U.S.C. Section 2283, 2284, and Rule 65 of the Federal Rules of Civil Procedure.
- (7.) The court has supplemental jurisdiction over the plaintiff, Demetrius D. Wallace, state law tort claims under 28 U.S.C. §1367.

## VENUE

- (8.) The United States District Court for the Western District of Virginia 210 Franklin Road, SW, Suite 540 Roanoke, Virginia

24011-2208 is an appropriate venue under 28 U.S.C. Section 1391 (b) (2) because it's where the events giving rise to these claims detailed within this complaint occurred.

## PARTIES

(9.) Plaintiff, Demetrius D. Wallace, was incarcerated at Red Onion State Prison during the events described in this complaint.

(10.) Defendant, Chadwick S. Dotson, is the Director of the Virginia Department of Corrections. He is sued in his individual and official capacities.

(11.) Defendant, Gregory Holloway, is Regional Operations Chief of the Western Region of the Virginia Department of Corrections. He is sued in his individual and official capacities.

(12.) Defendant, Rick White, is the Warden of Red Onion State Prison. He is sued in his individual and official capacities.

(13.) Defendant, Johnny Hall, is the major at Red Onion State Prison. He is sued in his individual and official capacities.

(14.) Defendant, Massingale, is a lieutenant at



Red Onion State Prison. He is sued in his individual capacities.

(15.) Defendant, Smith, is a sergeant at Red Onion State Prison. She is sued in her individual capacity.

(16.) Defendant(s), John Doe, John Doe #2, John Doe #3, and John Doe #4 are sergeants employed at Red Onion State Prison whose names are presently unknown to plaintiff, Demetrius P. Wallace. They are sued in their individual capacities.

(17.) Defendant, Dotson, is a correctional officer employed at Red Onion State Prison. He is sued in his individual capacity.

(18.) Defendant, Milgrian, is a correctional officer employed at Red Onion State Prison. He is sued in his individual capacity.

(19.) Defendant(s), John Doe #5, John Doe #6, John Doe #7, John Doe #8, John Doe #9, and John Doe #10 are correctional officers employed at Red Onion State Prison whose names are presently unknown to plaintiff, Demetrius P. Wallace. They are sued in their individual capacities.

(20.) Defendant, Jane Doe, is a nurse employed



at Red Onion State Prison. She is sued in her individual and official capacities.

## PLAINTIFF

(21.) Plaintiff, Demetrius D. Wallace, was and is at all times mentioned here within this complaint, a prisoner of the State of Virginia in the custody of the Virginia Department of Corrections (VADOC).

(22.) He is currently confined in Red Onion State Prison in Pound, Virginia.

## PREVIOUS LAWSUIT(s) by PLAINTIFF

(23.) Plaintiff, Demetrius D. Wallace, has no other lawsuits dealing with the same facts involved in this action or otherwise dealing with or relating to his imprisonment.

## DEFENDANT(s)

(24.) The defendant, Chadwick S. Dotson, is the Director of the State of Virginia Department of Corrections. He is legally



responsible for the overall operations of the Virginia Department of Corrections and each institution under its jurisdiction, including Red Onion State Prison.

(25.) The defendant, Gregory Holloway, is the Regional Operations Chief of the Western Region of the Virginia Department of Corrections. He is legally responsible for operation of all of the prison in the state of Virginia within the Western Region, including Red Onion State Prison.

(26.) The defendant, Rick White, is the Warden of Red Onion State Prison. He is legally responsible for the operation of Red Onion State Prison and for the welfare of all the inmates in the prison.

(27.) The defendant, Johnny Hall, is the Major of Red Onion State Prison. He is responsible for the overall safety of inmates and the institution.

(28.) The defendant, Masingale, is a Lieutenant at Red Onion State Prison. He was the Watch Command and Supervisor of the shift that the incident detailed here within happened on.

(29.) The defendant, Smith, is a Sergeant at Red Onion State Prison. She was responsible over the staff and inmates inside of "A" Building on her shift.

(30.) The defendant, John Doe, is a Sergeant at Red Onion State Prison that responded to the incident detailed here within this complaint.

(31.) The defendant, John Doe #2, is a Sergeant at Red Onion State Prison that responded to the incident detailed here within this complaint.

(32.) The defendant, John Doe #3, is a Sergeant at Red Onion State Prison that responded to the incident detailed here within this complaint.

(33.) The defendant, John Doe #4, is a Sergeant at Red Onion State Prison that responded to the incident detailed here within this complaint.

(34.) The defendant, Dobson, is a correctional officer at the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.



(35.) The defendant, Milgrim, is a correctional officer of the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(36.) The defendant, John Doe #5, is a correctional officer of the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(37.) The defendant, John Doe #6, is a correctional officer of the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(38.) The defendant, John Doe #7, is a correctional officer of the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(39.) The defendant, John Doe #8, is a correctional officer of the State of Virginia Department of Corrections who, at all times menti-



oned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(40.) The defendant, John Doe #9, is a correctional officer at the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(41.) The defendant, John Doe #10, is a correctional officer at the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(42.) The defendant, Jane Doe, is a nurse at Red Onion State Prison and is legally responsible to check all inmates after they are involved in any type of physical altercation.

(43.) At all times mentioned in this complaint each defendant acted under the color of State law.

## STATEMENT OF FACTS

(44.) On the date of November 25<sup>th</sup> 2023 I was incarcerated at Red Onion State Prison.

(45.) I was out of my cell on the pod enjoying my out of bed area activities.

(46.) At the end of my out of bed area activity time, I approached Correctional Officer's Dotson and Milgrim and made them aware that I have been having problems with my sink and toilet for weeks and they still haven't been fixed.

(47.) Officer's Milgrim and Dotson then became extremely aggressive and hostile towards me saying things such as "Shut the fuck up", "Get the fuck out of my face", "Lock your dumb ass down", and various other things that were degrading and disrespectful.

(48.) I then stated that I just want my toilet fixed because prior to this altercation I had been using the restroom in the shower over the duration of my toilet being broke.

(49.) Correctional Officer Milgrim then removed his handcuffs from his waist and said "I'm locking his dumb ass up" to Correctional Officer Dotson, and then told me "Turn around and cuff the hell up".

(50.) I was then cuffed by Correctional Officer Milgrim. After placing the cuffs on my wrist



he squeezed the cuffs extremely tight to the point where I had no blood flow or circulation throughout both of my hands.

(51.) He then grabbed my arm in an aggressive manner that had my elbow at an odd angle and caused me extreme pain.

(52.) Correctional Officer Milgrim then stated "I hope one of these inmates beat your ass while your in the hand cuffs."

(53.) I was then removed from the pod and was told that I was being placed in the hole for a "disobeying a direct order" charge by the responding Sgt. of my build which is Sgt. Smith.

(54.) Sgt. Smith responded to the incident with Sgt. John Doe, Sgt. John Doe #3, Correctional Officer's John Doe #5, John Doe #6, John Doe #7, John Doe #8, and John Doe #9 to transport me to segregation.

(55.) Once we made it to segregation I turned to Sgt. Smith and asked her "Why am I being placed in segregation if all I wanted was my toilet fixed?"

(56.) Sgt. Smith then looked at me and said "Stop fucking talking to me and looking at ~~me~~

me" as she removed her face mask.

(57.) I then told Sgt. Smith that I could look wherever I want and that she can't tell me where to look and where not to look.

(58.) Sgt. Smith then maced me directly in my face and eyes at point blank range for no reasons.

(59.) After I was maced, Sgt. John Doe, Sgt. John Doe #3, Correctional Officers John Doe #5, John Doe #6, John Doe #7, John Doe #8, and John Doe #9 then lifted me off of my feet into the air and then slammed me extremely hard onto a solid concrete floor while I was in handcuffs and shackles.

(60.) While on the ground they proceeded to put their knees on my back and neck causing me extremely unbearable pain in my back and also unable to breathe due to the knees that were on my neck/facial region.

(61.) I started to gasp for air telling that I can't breathe and that I have rods in my leg to replace my femur and they continued to apply pressure to it as I called out begging them to stop.

(62.) Lt. Massingale, Sgt. John Doe #2, Sgt. John Doe #4, and



correctional officer #10 then responded to this incident and then told me to stand up but I couldn't due to all of the knee's that were on various parts of my body.

(63.) They then removed their knees off of me and then I stood up to the best of my abilities.

(64.) Once I was completely erect I made them aware that I couldn't feel my legs and asked them could they please fix my leg shackles because they had become too tight while I was on the ground and they were on top of me.

(65.) After I asked them several more times (because they were ignoring me) I was then assaulted again by all of them and then threw in a Segregation cell.

(66.) While in my cell in segregation I continued to ask every employee of the prison that would walk pass to please get the nurse for me because I was in unbearable pain all over my body and still had an tremendous amount of mace in my eyes.

(67.) Even though it's Virginia Department of Corrections policy to have a nurse check an inmate out after any force is used, a nurse was never provided to me.



(68.) I then over the course of the next couple of days after the incident, wrote the medical administrator to say and get checked out but never recieved a response.

(69.) Also I had to submit multiple written complaints and grievances because the institution kept acting like they lost my paper work that I was filing because I made them aware that I wanted all of the body cam footage saved for a future civil suit. (See Exhibit's IV, V, VI, VII, VIII, IX, and XI).

(70.) Lastly, I would like this honorable court to know that these are not just mere allegations, these are all facts that were observed on Video footage that has been saved. (See Exhibit XII).

(71.) All of the defendants mentioned in these facts lacked penological and/or security justification to treat plaintiff, Demetrius P. Wallace in the manner as described above.

(72.) All of the defendants mentioned above acted wantonly, maliciously, and willfully to cause plaintiff, Demetrius P. Wallace pain and suffering.



## STATEMENT OF CLAIM

(73.) At all times here within, the defendant(s) were "persons" for purposes of 42 U.S.C. Section "1983" and acted under color of law to deprive the plaintiff, Demetrius D. Wallace, of his constitutional rights, as set forth more fully detailed within this complaint.

## EXHAUSTION OF LEGAL REMEDIES

(74.) Plaintiff, Demetrius D. Wallace, used the prisoner grievance procedure available at Red Onion State Prison to try and solve the problems detailed within this complaint.

(75.) After presenting the facts to the appropriate authorities within the prison and outside of the prison through written complaints and then through grievances, plaintiff, Demetrius D. Wallace, was sent a response to each grievance stating that they had been denied and unfounded.

(76.) Due to this, plaintiff, Demetrius D. Wallace, has exhausted his administrative remedies with



respect to all claims and defendant(s). (See Exhibits IV, V, VI, VII, VIII, IX, X, and XI)

## LEGAL CLAIMS FOR RELIEF

- (77.) Plaintiff, Demetrius D. Wallace, allege and incorporate by reference paragraphs 1-76
- (78.) The beating and deliberate indifference to medical needs violated plaintiff, Demetrius D. Wallace, rights and constituted cruel and unusual punishment under the Eighth Amendment to the United States Constitution.
- (79.) The plaintiff, Demetrius D. Wallace, has no plan, adequate or complete remedy at law to redress the wrongs described here within. Plaintiff, Demetrius D. Wallace, has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which plaintiff, Demetrius D. Wallace, seeks.

## PRAYER FOR RELIEF WHEREFORE

- (80.) Plaintiff, Demetrius D. Wallace, respectfully



prays that this court enter judgment granting plaintiff:

(A.) Issue a declaratory judgment stating that:

(1.) The physical abuse of the plaintiff by defendant(s) Milgrim, Dotson, Sgt. Smith, Sgt. John Doe, Sgt. John Doe #3, Correctional Officers John Doe #5, John Doe #6, John Doe #7, John Doe #8, John Doe #9, Lt. Massingale, Sgt. John Doe #2, and Sgt. John Doe #4 violated the plaintiff's rights under the Eighth Amendment to the United States Constitution and constituted an assault and battery under state law.

(2.) Defendant(s), Major Hall, Sgt. Smith, and Lt. Massingale's failure to take action to curb the physical abuse of prisoners violated the plaintiff's rights under the Eighth Amendment to the United States Constitution and constituted an assault and battery under state law.

(3.) Defendant, Nurse Jane Doe, actions in failing to provide adequate medical care for the plaintiff violated the plaintiff's rights under the Eighth Amendment to the United States Constitution.

(B.) Issue an injunction ordering defendants Rich White, Major Hall, or their agents to:

- (1.) Immediately arrange for the plaintiff's need for physical therapy or other follow up medical treatments to be evaluated by a medical practitioner with expertise in the treatment of replaced femur bones; and
- (2.) Carry out without delay the treatment directed by such medical practitioners.

(C.) Issue an injunction ordering defendant Major Johnny Hall to:

- (1.) Expunge the disciplinary convictions described in this complaint from the plaintiff's institutional record.

(D.) Award compensatory damages in the following amounts:

- (1.) \$250,000.00 jointly and severally against defendants Sgt. John Doe, Sgt. John Doe #2, Sgt. John Doe #3, Sgt. John Doe #4, Correctional Officer's John Doe #5, John Doe #6, John Doe #7, John Doe #8, John Doe #8, John Doe #9, and John Doe #10 for the physical and emotional injuries sustained as a result of the plaintiff's beating.

- (2.) \$50,000.00 jointly and severally against defen



defendants Sgt. Smith and Lt. Massingale for the physical and emotional injury that were sustained as a result of the plaintiff's beating also including deprivation of liberty, amenity and emotional injury from their denial of due process in connection with the false charge and disciplinary proceedings relating to this matter.

(3.) \$50,000.00 against defendants Rick White, Major Johnny Hall, and Nurse Jane Doe for the physical and emotional injury resulting from their failure to provide adequate medical care to the plaintiff.

(4.) \$25,000.00 against defendant Gregory Holloway for failing to properly investigate the matters detailed on this complaint and also failing to acknowledge multiple grievances that were sent to him regarding this matter.

(E.) Award punitive damages in the following amounts:

(1.) \$10,000.00 each against defendants Sgt. John Doe, Sgt. John Doe #2, Sgt. John Doe #3, Sgt. John Doe #4, Correctional Officer's John Doe #5, John Doe #6, John Doe #7, John Doe #8, John Doe #9, and John Doe #10.



- (2.) \$20,000.00 each against defendant(s)  
Sgt. Smith and Lt. Massingale;
- (3.) \$15,000.00 against defendant Jane Doe.
- (F.) A jury trial on all issues triable by jury.
- (G.) Plaintiff's cost in this suit.
- (H.) Enter an injunction requiring the defendants, their agents, subordinates, employees, and all others acting in concert with them to cease their unconstitutional and unlawful practices and to remedy their violations of the Constitution and the laws.
- (I.) Any additional relief that this court deems just, proper, and equitable.

Date:

Demetrius D. Wallace  
Demetrius D. Wallace

Respectfully submitted,

Demetrius D. Wallace  
#1705834

Virginia Centralized Mail Distribution Center  
Red Onion State Prison  
3521 Woods Way  
State Farm, Virginia 23160



## Verification

I have read the foregoing complaint and I, plaintiff, Demetrius D. Wallace, state that I am the plaintiff in this action, and I know the content of the above complaint; that is true of my own knowledge, except as to those matters that are stated to be based on information and belief, as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 U.S.C. § 1915 that prohibits an inmate from filing a civil action or appeal, if the prisoner has, on three or more occasions, while incarcerated brought an action or appeal, in federal court that is dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the prepayment of the filing fee's. Pursuant to 28 U.S.C. § 1746, I declare and verify under the penalty of perjury under the laws of the United



Leondarius P. Wallace  
#1705834  
Red Onion State Prison  
P.O. Box 1900  
Pound, Virginia 24279

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